

12-08-04

1635

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/777,526
	Filing Date	02/06/2001
	First Named Inventor	Agrawal, Sudhir
	Art Unit	1635
	Examiner Name	Terra C. Gibbs
Total Number of Pages in This Submission	Attorney Docket Number	047508.518US8 HYZ-030CPCN3

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Postcard
Remarks 1. PTO Form 1449 (1 pg.)		

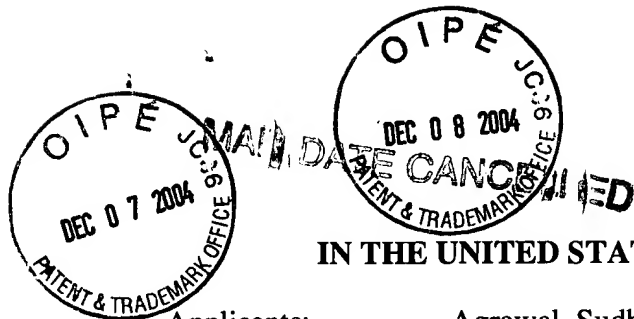
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Wilmer Cutler Pickering Hale and Dorr LLP		
Signature	<i>Ann-Louise Kerner</i>		
Printed name	Ann-Louise Kerner, Ph.D.		
Date	12/07/2004	Reg. No.	33,523

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name		Date	12/07/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Express Mail Label No. EV 507050107 US  
Date of Deposit: 7 December 2004



Express Mail Label No. EV 507050107 US  
Date of Deposit: December 7, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Agrawal, Sudhir  
Serial No.: 09/777,526 Examiner: Terra C. Gibbs  
Filed: February 6, 2001 Group Art Unit: 1635  
For: **Method of Down-Regulating  
Gene Expression** Conf. No.: 8659  
Atty. Docket No.: HYZ-030CPCN3 47508.518 Customer No.: 23483

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants and their legal representatives hereby make of record on the attached Form PTO-1449 the following publication which is known to them and considered warranting disclosure under 37 C.F.R. §1.56 and 1.97-98. The publication is a published application that corresponds to an application that is co-pending with the instant application. A copy of the cited patent application publication is not submitted pursuant to 37 C.F.R. §1.98(a)(2)(ii).

The instant application is terminally disclaimed over U.S. Patent No. 5,591,721.

U.S. patent application publication No. 2004-0033980 published February 19, 2004, based on U.S. Serial No. 10/640,898, filed August 14, 2003, cited herein, as well as the instant application, claim priority to the same original parent patent application. The instant application is a continuation of U.S. Serial No. 08/758,005, filed November 27, 1996, which is a continuation-in-part of U.S. patent application Serial No. 08/709,910, filed September 9, 1996 (now abandoned), which is a continuation-in-part of U.S. patent application Serial No. 08/328,520, filed October 25, 1994, which issued as U.S. Patent No. 5,591,721. Issued U.S. Patent Nos. 6,608,035 and 6,645,943 also are continuations of U.S. Serial No. 08/758,005.

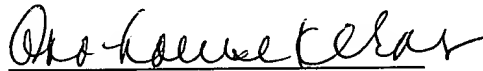
It is respectfully requested that the Examiner initial and return a copy of the subject Form PTO-1449 with the next Patent Office communication.

The submission of these publications does not constitute a representation by the Applicants that a search has been made or that no better art exists and does not constitute an admission that the listed publications are material or constitute "prior art." Applicants reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed publications, should one or more of the publications be applied against the claims of the present application.

As it is applicants' belief that the Supplemental Information Disclosure Statement is being filed pursuant to 37 C.F.R. §1.97(b)(4), before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114, no fee is enclosed. However, in the event a fee is due, please charge any fee deficiency or credit any overpayment to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: December 7, 2004



Ann-Louise Kerner, Ph.D.

Registration No. 33,523

Attorney for Applicants

Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, Massachusetts 02109  
Tel: (617) 526-6192  
Fax: (617) 526-5000

MAIL DATE DEC 8 2004  
work Reduction Act of 1995, no pers  
orm 1449/PTO  
O I P E J C  
PATENT & TRADE MARK OFFICE